

REQUEST FOR COUNCIL ACTION

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MEETING

DATE: 7-21-03

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-6

ITEM DESCRIPTION: Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland Drive NW. A General Development Plan is being considered concurrent with this application.

PREPARED BY:
Mitzi A. Baker,
Senior Planner

July 14, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on June 25, 2003, to consider this petition.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-11 with staff recommended findings. Mr. Quinn Seconded the motion. The motion carried 7-0.

Planning Staff Recommendation:

See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. McGhie & Betts, Inc.
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday July 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

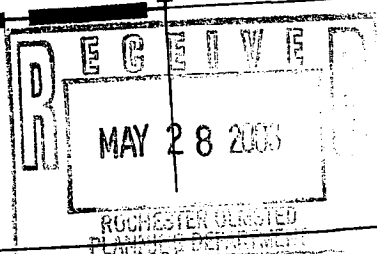
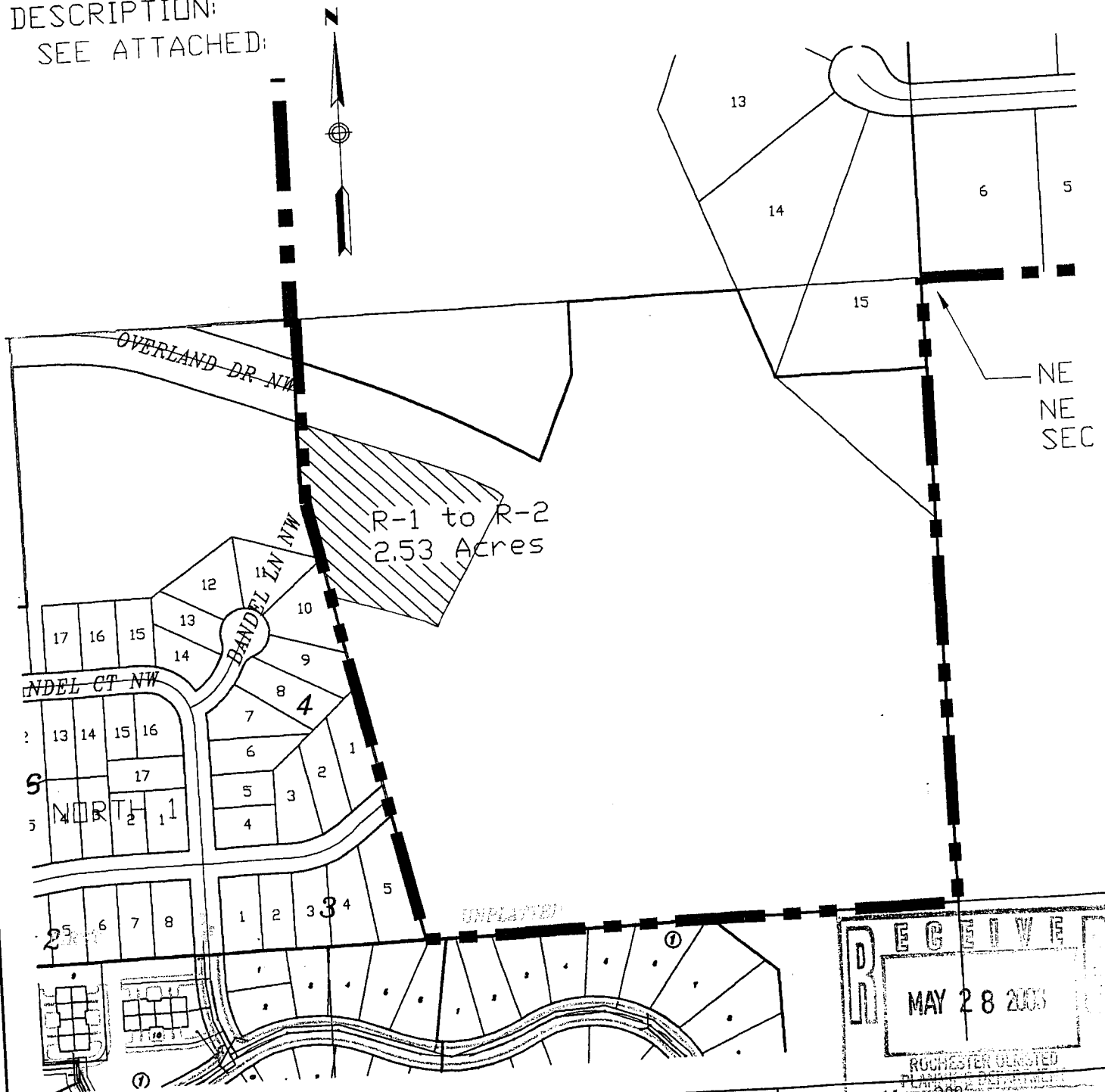
Motion By:

Seconded By:

Action:

ZONING EXHIBIT

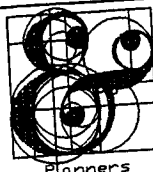
DESCRIPTION:
SEE ATTACHED:



FOR: BIG DE DEVELOPMENT CO.
706 CO. RD. 3 N.W.
BYRON, MN 55920

JOB NO. 1084C/2345

McGhie
Consulting Engineers



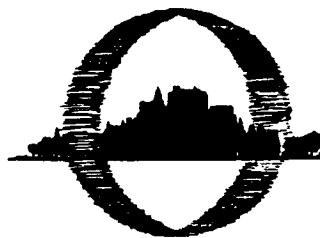
Betts, Inc.
Land Surveyors

1648 3rd AVE. S.E. Rochester, MN 55904

507-289-3919

SCALE: 1" = 300'
DRAWN BY: K.C.
DATE: 5-28-03
ACCT. NO.: 1084C/2345
CADD NO.: ZONING-EXHIBIT

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: June 11, 2003

RE: Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland Drive NW. A General Development Plan is being considered concurrent with this application.

Planning Department Review:

Applicant/Owner:

BIG DE Development
706 County Road 3 NW
Byron, MN 55920

Consultants:

McGhie & Betts, Inc.
1648 3rd Ave. SE
Rochester, MN 55904

Location of Property:

This property is located east of Bandel Road and Bandel North First Subdivision, and south of the future alignment of Overland Drive NW (easterly extension of 65th St.).

Requested Action:

The applicant requests 2.53 acres of land be re-zoned from R-1 to R-2 (Low Density Residential).

Existing Land Use:

The property is undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use:

The applicant is proposing to develop this site with townhomes or single family attached housing in the R-2 zoning district. A General Development Plan is being processed concurrent with this application.

Adjacent Land Use and Zoning:

Properties in this area are identified for "Low Density Residential" uses on the Land Use Plan.

Transportation Access:

General Development Plan application #210 is being processed for this property concurrent with this Zoning District Amendment petition. The GDP



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identifies a future public road linking Bandel North First and Overland Drive. The portion of the property included in the zone change request would be accessed from this extended roadway.

Wetlands:

According to the Soil Survey, no hydric soils exist on this property. The property owner is, however, responsible for identifying wetlands.

Neighborhood Meeting:

A neighborhood meeting was held June 10, 2003. A summary of that meeting is enclosed.

Referral Comments:

1. See comments attached to General Development Plan #210, Bandel North Second & Third.

Report Attachments:

1. Location Map
2. Area Zoning Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-2: The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-2 zoning district would be consistent with the current land use designation. Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. Re-zoning could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

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- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

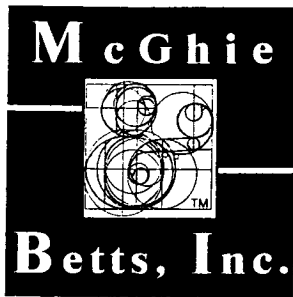
Finding for Proposed R-2: Uses allowed within the R-2 zoning district will be appropriate on the property and compatible with adjacent properties. The Bandel North Second and Third General Development Plan, being considered concurrent with this re-zoning petition, identifies a general layout of roadways and townhomes on the property. A detailed zoning review will be conducted in the future following site plan application submittal by the applicant.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Proposed R-2: The amendment to R-2 would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.

Staff Recommendation:

Findings can be made to support this request. Staff recommends approval to zone 2.53 acres to the R-2 (Low Density Residential) district.



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Rochester
Minnesota

June 18, 2003

Mr. Brent Svenby
Consolidated Planning & Zoning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Bandel North Second and Third Neighborhood Meeting Notes

Dear Mr. Svenby:

In accordance with Section 60.605 (B) of the amended zoning ordinance, we are submitting, on behalf of the applicant, Big De Development, a copy of the minutes of the Neighborhood Informational Meeting which was held on June 10, 2003, 7:00 P.M. at, Calvary Evangelical Free Church, Rochester, Minnesota.

An attendance list is also enclosed for your reference.

If you have any questions, please contact me.

McGhie & Betts, Inc

Kristi L. Clarke, AICP
Land Planner

Attachment

pc: Mr. Tony Bigelow, Developer
Mr. Ward Opitz

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
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e-mail. mbi@mcghiebetts.com

Established 1946

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**Minutes of the Neighborhood Informational Meeting for
Bandel North Second and Third
On June 10, 2003, 7:00 p.m. at Calvary Evangelical Free Church**

It Attendance: See attached attendance list

Purpose: The purpose of the meeting was to introduce the proposed General Development Plan and Zone Change from R-1 to R-2 on 2.53 acres and to answer questions and document concerns or issues that may need further investigation or consideration.

General Discussion:

Ms. Clarke, representing McGhie & Betts, Inc. introduced the General Development Plan for Bandel North Second and Third and the process for submitting and reviewing the plans. We discussed the purpose of a neighborhood informational meeting and outlined the dates and locations of the next two public hearings to be held on June 25 and July 21, 2003. We also discussed the zone change from R-1 to R-2 on approximately 2.53 acres.

We discussed the general location, surrounding infrastructure such as existing roads with their classifications and current and proposed utilities. We discussed the moderate to steep slopes within the project area and the use of cul-de-sacs and mixed housing to reduce the need for excessive grading within the site. Overland Drive's scheduled construction and width was discussed. No private drive access will be given along Overland. We then discussed the phasing of the project.

Ms. Clarke introduced Mr. Tony Bigelow and Ward Opitz as the property owners/developers for this General Development Plan.

The following questions and comments were reviewed by the attendee and recorded by Ms. Clarke. Responses to the questions have been drafted and follow each question/comment.

Questions and Answers:

Question #1 How many lanes of traffic are designed for Overland Drive?

Answer #1 *Overland Drive is proposed to be at least 3 or 4 lanes and classified as a Major Arterial. Private driveways will not be allowed into this roadway i.e. controlled access along the north and south side of the Overland Drive. Contact the City of Rochester's Public Works Dept. for more specific details about the construction and ultimate ROW widths.*

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Question #2 The existing water pressure for our homes in Bandel North First is fairly low at times. Will there be another source for water for Bandel North Second and Third?

Answer #2 *Static water pressure within Bandel North Second and Third will be from the upper 50's to upper 80's. This range is enough to maintain the minimum flow rate needed to provide adequate emergency protection. In addition, the waterline within this subdivision will loop through Overland Lane and Flagstone Lane and connect to Boulder Ridge Third Subdivision. This loop should increase the water pressure. Contact RPU's service department if you continue to experience reduced water pressure. You might have something wrong within your site that is reducing the pressure.*

Question #3 Who maintains the detention pond within the City? Are the ponds going to be treated for the West Nile Virus?

Answer #3 *Detention ponds throughout the city are either maintained by the City of Rochester, if they drain more than 50 acres, or are maintained by homeowner associations from private lots. I do not know if any of the ponds in Rochester are being chemically treated for West Nile Virus. The pond directly north of your site is not treated for West Nile Virus.*

Developers must work with the Public Work's Department to determine the type of detention needed for each site. Some property's storm sewer will flow into existing regional ponds, some sites are handled by piping the water away from the site and some are retained on-site. The City of Rochester is following State guidelines and the State is directed by the Federal Clean Water Act as to how to build, and maintain these facilities.

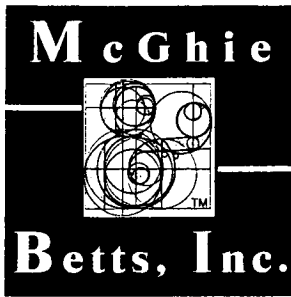
Perhaps you could speak with the City Commissioners to look into the issue along with the City's Health Department.

Question #4 Will there be a park within this site?

Answer #4 *No. The Parks and Recreation Department has determined that a park should not be developed at this location.*

Question #5 Will the existing trees just south of Overland Drive be saved?

Answer #5 *The existing trees will most likely not be saved. With the combined construction of Overland Drive and the townhomes in the northeast corner of the site, the tree line will be severely impacted. However, we will try to save as many as possible. Trees along the Overland Drive corridor can reduce the visual and noise impacts for the homeowners.*



R o c h e s t e r
M i n n e s o t a

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Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

Attendance Roll

NEIGHBORHOOD MEETING

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PROJECT: Bandel North Second and Third
General Development Plan and Rezone R-1 to R-2

DATE: June 10, 2003

TIME: 7:00 p.m.

PLACE: Calvary Evangelical Free Church (Room 101)

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. <i>Kyrsto Clarke</i>	<i>1648 S.E. 3rd Ave.</i>	<i>507-289-3919</i>
2. <i>WARD OPITZ</i>	<i>BIGLOW ENTERPRISES</i>	<i>507-775-2280</i>
3. <i>RON & STACY HAUGER</i>	<i>2752 Boulder Ridge Dr NW</i>	<i>507-285-9516</i>
4. <i>Carol Adamson</i>	<i>6386 Bandel Lane NW</i>	<i>(507) 280-0157</i>
5. <i>Joe + Marissa Hanly</i>	<i>2786 Boulder Ridge Dr. NW</i>	<i>507-285-1293</i>
6. <i>Carol Busby</i>	<i>2770 Boulder Ridge Dr NW</i>	<i>289-7684</i>
7. <i>Sheryll Huebs</i>	<i>2525 Boulder Ridge Dr NW</i>	<i>281-3388</i>
8.		
9.		
10.		
11.		
12.		
13.		
14.		

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SEE REFERRAL

COMMENTS

ATTACHED TO


GDP #210

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recommended findings and conditions, with the clarification that the applicant work out the 150 foot suggested access by Park and Recreation Department prior to being heard by the City Council. Ms. Rivas seconded the motion. The motion carried 7-0.

CONDITIONS:

1. The GDP shall be revised to accommodate the following:
 - The GDP will need to be amended to provide a minimum 150' wide access to the reservoir site, at the west property boundary;
 - Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations;
 - Label "Proposed Medium Density Residential R-3" as "Potential Future Medium Density Residential R-3"; Label "Proposed 60' Floodway Channel" as "Potential Future 60' Floodway Channel";
 - Identify an alternate pond site outside of the existing Floodway, in case the Floodway boundary is not amended;
 - Show a minimum 60' wide right-of-way for 19th St. NW;
 - Identify proposed access locations to serve the "Potential Future Medium Density Residential" area and proposed R-2 areas.
2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements including turn lanes and access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities, phasing of development and contributions for public infrastructure.
3. Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19th St. NW.
4. At the time of platting: a minimum 60' wide right-of-way dedication will be required for 19th St. NW; controlled access will be required for the entire frontage of 19th St. NW with the exception of any approved roadway access openings; traffic claming measures shall be incorporated into the north/south public roadway along the eastern edge of the property if determined necessary by the City.
5. Parkland dedication shall be met via a combination of land and cash in lieu of as specified in the June 3, 2003 memorandum from Rochester Park and Recreation. This dedication shall include a 150' wide park access to the reservoir site to the west.
6. Future development of the portion of the property in the existing Floodway is contingent upon the applicant successfully amending the Floodway boundary in the future.

 Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland

Drive NW. A General Development Plan is being considered concurrent with this application

AND

General Development Plan #210 by Big De Development to be known as Bandel North Second and Third. The applicant is proposing to develop approximately 28.74 acres with single attached and detached housing. A Zoning District Amendment is being considered concurrent with this application. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and allows for the continuation of Bandel Drive NW.

Ms. Mitzi A. Baker presented the staff reports, dated June 11, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that at a future date the applicant will need to bring in a separate general development plan for the property on the north side of Overland Drive, which is not included in this proposed general development plan.

Mr. Burke stated that he thought that policy had been formed earlier with regard to using the R-1x instead of the R-2 zoning district for townhomes.

Ms. Baker responded that the R-2 zoning district allows for a different style of housing than the R-1x. Single family attached dwellings are not allowed in the R-1x. There is some flexibility.

Mr. Ward Opus, of Bigelow Enterprises, addressed the Commission. He stated that the applicant proposes to build townhomes in the zone change area.

Ms. Petersson asked if there would be basements.

Mr. Opus responded that if the grading allows, there would be some slab on grade. He stated that the applicant is in agreement with all the staff-recommended conditions except for number 5 regarding the mid-block pedestrian connection between the two cul-de-sac bulbs. After speaking with the engineer, there would be a 16 foot fill to accommodate this. He stated that the reason for the two cul-de-sac bulbs was due to the grade. Rather than having it as a condition, he asked that the consultant and planning review the feasibility.

Mr. Quinn asked who would determine if it were topographically feasible.

Ms. Baker responded that a determination would be made between Planning and Public Works. She explained that, the way the condition is worded, it leaves it open until the grading plans are reviewed on the site.

Ms. Rivas asked if a substantial land alteration would be submitted for the site.

Mr. Opus responded that it was probable.

Discussion ensued regarding being handicapped accessible.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-11 by

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Big De Development based on the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #210 by Big De Development to be known as Bandel North Second and Third based on the staff-recommended findings and conditions, with the understanding that condition number 5 regarding the mid-block pedestrian connection would be worked out between staff of various departments to come up with the most feasible solution. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for portions of the property not currently included in an executed Development Agreement. The agreement will outline the obligations of the applicant relating to, but not limited to; stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities to abutting properties, and stipulations for phasing of development subject to the availability of adequate public facilities.
2. Pedestrian facilities are required along both sides of all new public roads, including a 10' wide bituminous path along the entire frontage of both sides of Overland Drive.
3. At the time of platting: any mid-block pedestrian connections will be required to be on a 30' wide Outlot at the time of platting; dedication of 120' width right-of-way will be required for Overland Drive NW; dedication of access control will be required along the entire frontage except where public road access openings are approved. Dedication of access control will also be required along both frontages of Bandel Dr. NW from Overland Dr. NW to Overland Ln. NW, and along both frontages of Granite Dr. NW from Overland Dr. NW to Flagstone Ln.
4. Parkland dedication shall be met via cash in lieu of land per the June 2, 2003 memorandum from Rochester Park and Recreation.
5. If topographically feasible, a mid-block pedestrian connection shall be provided between the two cul-de-sac bulbs.
6. The GDP shall be revised to: identify a mid-block pedestrian connection between the two cul-de-sac bulbs; to label the Bandel North Third area as being "Potential" future re-zone to R-2.
7. Watermain must be looped through the cul-de-sac streets.

OTHER BUSINESS:

1. Appoint Commissioner to Cascade Lake Citizen Advisory Group

Ms. Rivas expressed interest on being appointed to the group.

Ms. Petersson moved to appoint Ms. Rivas to the Cascade Lake Citizen Advisory Group.

